

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re:** \*  
  
**CIRCUIT CITY STORES, INC., et al.,** \* **Case No: 08-35653-KRH**  
**Debtors,** \* **Chapter 11**

\* \* \* \* \*

**CLAIMANT MARLON MONDRAGON'S**  
**MOTION FOR CONTINUANCE OF OBJECTION TO PLAN**

Claimant Marlon Mondragon ("Claimant" or "Movant"), by and through his undersigned attorneys, respectfully moves for a continuance of the date for Confirmation of the Consolidated Debtors Second Amended Joint Plan of Liquidation and hearing of the Claimant's Objection thereto to the September 27<sup>th</sup> hearing date.

Claimant has moved for leave to file a class claim and for reconsideration of the denial of Claimant's Class Action Adversary Proceeding Complaint (the "Motions"). Claimant also filed an Objection to the initial plan, which is currently pending.

These Motions and the Objection have been adjourned by agreement of the parties to September 27, 2010 at which time Claimant's Counsel intends to appear to argue said Motions and Objections.

On August 24, 2010, for the first time, Counsel for Claimant received notice of the intention of Joint Debtors to move for confirmation of the Second Amended Joint Plan of Liquidation (the "Plan") on September 8, 2010. See attached "Notice of Hearing on Confirmation of the Plan," annexed hereto as Exhibit "A." Inasmuch as Counsel for

Claimant had an agreed upon date (September 27, 2010) for argument of these Motions and Objections, Counsel for Claimant scheduled hearings upon several other matters for September 8, 2010.

Thereafter, Marc Busman of Busman & Busman, Co-Counsel for Claimant, had multiple conversations with Jessica S. Kumar of Skadden, Arps, Slate, Meagher & Flom, LLP, one of the Attorneys for the Joint Debtors to request that the Plan Confirmation be adjourned/continued to September 27, 2010, the same date as that for the other matters (e.g., Motions and Objection) that the Claimant had previously scheduled by agreement with Joint Debtors' Counsel. Co-Counsel for the Joint Debtors contacted Co-Counsel for Claimant on Monday, August 30, 2010, and informed him they would not agree to adjourn the Plan confirmation to September 27, 2010.

WHEREFORE, the Claimant respectfully requests that the proposed confirmation of the Plan be adjourned to the September 27, 2010 hearing date.

Dated: September 1, 2010

Respectfully submitted,

BUSMAN & BUSMAN, P.C.

/s/ Marc A. Busman  
Marc A. Busman  
P.O. Box 7514  
Fairfax Station, VA 22039  
703-503-8088  
703-425-8487 (facsimile)

KANTROWITZ, GOLDHAMER  
& GRAIFMAN, P.C.  
Randy J. Perlmutter  
Gary S. Graifman  
747 Chestnut Ridge Road

Chestnut Ridge, NY 10977

Tel: (845) 356-2570

Fax: (845) 356-4335

MASON LLP

Gary E. Mason

Nicholas A. Migliaccio

1625 Massachusetts Ave., NW

Ste. 605

Washington, DC 20036

Tel: 202-429-2290

Fax: 202-429-2294

*Counsel for the Movants*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 2<sup>nd</sup> day of September, 2010, a copy of the foregoing Motion was filed and served via the Court's Electronic Case Filing System on all parties receiving such notice.

/s/ Marc A. Busman

Marc A. Busman